தமிழ்நாடு சட்ட மன்றம்

வியாழக்கிழமை, 1972 டிசம்பர் 14.

சென்னை, செயின்ட் ஜார்ஜ் கோட்டையிலுள்ள சட்ட மன்ற மண்டபத்தில் பிற்பகல் 4 மணி அளவில் மாண்புமிகு சட்ட மன்றத் தலைவர் (திரு. சி. பி. சிற்றரசு) அவர்கள் தலைமையில் சட்ட மன்றம் கூடியது..

1. வினாக்கள்—விடைகள்.

உடுக்குறியிட்ட வினாக்கள்.

MR. CHAIRMAN : Short notice Questions will be taken up today.

Date of birth of a High Court Judge.

*1. *S. N. Q.*—THIRU G. VASANTHA PAI : Will the Hon. the Minister for Industries be pleased to state—

(*a*) whether the date of birth given by the Hon. Mr. Justice Ramamurti in P. Dis. 125 of 1935, dated 14th February 1935 on the enrolment file of the High Court, Madras differs from the date of birth given by him in the Declaration filed by him on his becoming a Judge of the High Court of Judicature, Madras, in 1964 ; and

(*b*) whether according to the age given by the said Judge at the time of his enrolment in 1935, he should have ceased to be a Judge of the Tamil Nadu High Court from June 1972 ?

உயர்நீதி மன்ற நீதிபதியின் பிறந்த தேதி.

திரு ஜி. வசந்த பாய் : மாண்புமிகு தொழில் அமைச்சர் அவர்கள் கீழ்க்கண்ட வினாக்களுக்குப் பதிலளிக்க வேண்டுகிறேன் :

(அ) மதிப்பிற்குரிய நீதிபதி திரு. ராமமூர்த்தி அவர்கள் சென்னை உயர்நீதி மன்றத்தின் வழக்கறிஞர் பதிவுக் குறிப்பேட்டில் 14—2—1935 நாளிட்ட **P. Dis. 125/1935**ல் கொடுத்துள்ள பிறந்த தேதியும் அவர் **1964**ல் சென்னை உயர்நீதி மன்றத்தின் நீதிபதியானவுடன் அவரால் கொடுக்கப்பட்ட உறுதிமொழியில் அறிவிக்கப்பட்டுள்ள பிறந்த தேதியும் வேறுபடுகின்றனவா ?

(இ) அந்த நீதிபதி 1935ல் பதிவு செய்துகொண்டபோது கொடுத்துள்ள வயதிற்கிணங்க, அவர் 1972 ஜூனிலிருந்து சென்னை உயர்நீதி மன்றத்தின் நீதிபதி பதவியிலிருந்து விலகியிருந்திருக்க வேண்டுமா ?

THE HON. THIRU S. MADHAVAN : (a) No.

(b) Thiru Justice K. S. Ramamurti produced immediately after his appointment in 1963, evidence to the satisfaction of the President that the correct date of his birth was 19th January 1911. Under Article 217 (3) of the Constitution, the President accepted the above date of birth of the Judge as 19th January 1911.

*2. S. N.Q.—THIRU G. VASANTHA PAI : Will the Hon. the Minister for Industries be pleased to state—

(a) the date of birth given by Hon'ble Mr. Justice K. S. Ramamurti, while studying in the Hindu High School, Kanniyur, as available in the S.S.L.C. book and records maintained by the said school, 1924-27, and with the Director of Secondary Education, Madras ; and

(b) whether there is any discrepancy between the said date of birth and the age given in the latest Civil List relating to the said Judge ?

திரு ஜி. வசந்த பாய் : மாண்புமிகு தொழில் அமைச்சர் அவர்கள் கீழ்க்கண்ட விஞக்களுக்குப் பதிலளிக்க வேண்டுகிறேன் :

(அ) மதிப்பிற்குரிய நீதிபதி திரு கே.எஸ். ராமமூர்த்தி அவர்கள் கன்னியூர், இந்து உயர்நிலைப் பள்ளியில் பயிலும்போது எஸ்.எஸ்.எல்.சி. புத்தகத்திலுள்ள அவரது பிறந்த தேதி, 1924–27கால அளவில் அப்பள்ளியால் வைத்து வரப்பட்ட ஆவணங்களில் கண்டுள்ள அவரது பிறந்த தேதி, சென்னை பள்ளிக் கல்வி இயக்குநரிடம் உள்ள பதிவேடுகளில் கண்டுள்ள அவரது பிறந்த தேதி ஆகியவை யாவை ?

(இ) மேற்கண்ட பிறந்த தேதிக்கும் அண்மையில் வெளியான அரசு அதிகாரிகள் பட்டியலில் (Civil List) அந்த நீதிபதியின் தொடர்பாகக் கொடுக்கப்பட்டுள்ள பிறந்த தேதிக்கும் வேறுபாடு உள்ளதா?

THE HON. THIRU S. MADHAVAN : (a) The date of birth as entered in the S.S.L.C. book of Thiru Justice K. S. Ramamurti is 8th June 1910.

(b) The date of birth given in the application for admission as an advocate is 24th June 1910. The date of birth given when elevated to High Court in February 1963 is the same. Thiru Justice K. S. Ramamurti had produced immediately after his appointment as High Court Judge in 1963, evidence to the satisfaction of the President that the date of his birth was 19th January 1911. Under Article 217 (3) of the Constitution, the President accepted the date of birth of the Judge as 19th January 1911. This date of birth appears in the Civil List relating to the High Court Judges.

THIRU G. VASANTHA PAI : Sir, may I know from the Hon. Minister the date on which the President ordered the change of the date of birth of this Judge ?

MR. CHAIRMAN : I think the hon. Member might have corresponded with the President and he might be having the records about it.

THIRU G. VASANTHA PAI : Sir, I want to know the exact date of change of date of birth, because....

MR. CHAIRMAN : The date of birth is given in the answer

Thiru G. VASANTHA PAI : Sir, I want to know the date when it was decided by the President.

THE HON. THIRU S. MADHAVAN : Sir, the Government of India in the Ministry of Home Affairs in their letter dated 10th October 1963 communicated the President's decision which is final under Article 217 (3) of the Constitution that the 19th January 1911 shall be the date of birth of Thiru Justice K. S. Ramamurti.

THIRU G. VASANTHA PAI : Sir, may I bring to the notice of the Hon. Minister that Thiru Justice K. S. Ramamurti became a Judge of the High Court in February 1963 and when he had himself given a declaration about his date of birth at the time of his appointment as Judge, there was no dispute pending on which the President could exercise his judgment ? Secondly, Sir, I want to say that the Constitutional amendment came into force only in October 1963 and that therefore, this could not have been done in pursuance of the said Constitutional amendment.

The Hon. Thiru S. MADHAVAN: Sir, the hon. Member is expressing only an opinion on the legal position. According to our interpretation of the Constitution, the final decision rests with the President of India. He has passed some orders and the State Government have nothing to do with that order, whether it is correct or not. But, unfortunately, there are precedents in which people give a particular age at the time of something and then try to give some other age at the time of some other circumstances. But, so far as the State Government are concerned, they have nothing to do with this. What the President decides becomes final, according to our interpretation of the Constitution. But, the hon. Member seems to think that the Constitution may be interpreted in a different way. The State Government have nothing to do with that. I would like to point out here that so far as the State Government are concerned, they have passed a Government Order that any question of change of date of birth should be brought to the notice of the Government within five years from the date of joining duty in Government service, so that the utilisation of that fact for some other ulterior purpose might be prevented. This is in so far as the State Government servants are concerned. The State Government have no control as regards the Judges of the High Court.

Thiru G. VASANTHA PAI: Sir, I may request the Hon. Minister to consider the fact that the recommendation of names for the post of Judges of the High Court was made in consultation with the Governor of the State of Tamil Nadu, and also the recent decision of the High Court that the Governor acted always in conjunction with, and according to the advice of the Cabinet. May I, therefore, request the Hon Minister to scrutinise the date of birth given by the persons before appointment as High Court Judges, just as it is made in the case of any other employee, so that they are not allowed to take advantage of the circumstances after appointment ?

The Hon. Thiru S. MADHAVAN: Sir, I will be only too glad to have that power. But, unfortunately, Article 217 of the Constitution does not give that power to the State.

Thiru G. VASANTHA PAI: Sir, may I inform the Hon. Minister, that according to 1965, Supreme Court Report, page 691, it has been held by the Supreme Court that where the age has been determined not in accordance with Article 217 (3) of the Constitution but in consultation with the Ministry of Home Affairs, it is illegal ?

The Hon. Thiru S. MADHAVAN: Sir, I went through the judgment referred to by the hon. Member. Even there, the State Government have not been given any power but they can pass on the information to the Government of India.

MR. CHAIRMAN : I think there ends the matter and the Hon. Member will have no more supplementaries.

(The Hon. Chairman began the announcements.)

THIRU M. RAJAH IYER : Mr. Chairman, may I know what became of the other Questions ?

MR. CHAIRMAN : The other questions are postponed. The Hon. the Revenue Minister has got to catch the aeroplane exactly at 6 O'clock to go to Delhi. All the other questions are postponed.

THIRU A. R. DAMODARAN : Sir, while I agree with it, I want to know whether it is not required by the rules that the question hour could be postponed only with the unanimous approval of the House.

THIRU K. RAJARAM: The Hon. Chairman can postpone questions.

MR. CHAIRMAN : Those questions will be taken up tomorrow.

உடுக்குறியிடப்படாத வினாக்கள்.

Fatal casualties at Pichambalam Pudur near Tiruppur

20. Q.—THIRU V. ISVARMURTI : Will the Hon. the Chief Minister be pleased to state—

(a) whether a number of fatal casualties occurred at Pichambalam Pudur near Tiruppur about 10th February 1972 ;

(b) if so, the details thereof ; and

(c) the reasons therefor ?

A.—(a) No.

(b) and (c) Do not arise.

Amplifier Licences.

21. *Q.*—THIRU S. VELLAPANDIAN : Will the Hon. the Chief Minister be pleased to state—

(a) the total number of licences issued for amplifiers in Madras City during 1972 till date ;

(b) the amount of fee realised ; and

(c) the total number of days for which they were issued ?